

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MADGE *et al.*

Appl. No.: 10/658,971

Filed: September 9, 2003

For: **Boronic Acid Salts Useful in  
Parenteral Formulations**

Confirmation No.: 3998

Art Unit: 1614

Examiner: KWON, Brian Yong S.

Atty. Docket: 2451.0090008/BJD

**Eighth Supplemental Information Disclosure Statement  
Under 37 C.F.R. § 1.97(d)**

***Mail Stop Amendment***

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Form, PTO/SB/09B, is a document that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. This Eighth Supplemental Information Disclosure Statement is a continuation of the Applicants' Seventh Information Disclosure Statement filed on December 2, 2005 in connection with the above-captioned application.

A copy of document **NPL1** is submitted.

In accordance with the recent Federal Circuit decision in *Dayco Prods., Inc. v. Total Containment, Inc.* 329 F.3d 1358 (Fed. Cir. 2003), Applicants submit herewith as document **NPL1** an Office Action from copending U.S. Patent Application No. 10/659,178, which is directed to related technical subject matter.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$180.00 IDS payment amount in payment of the fee under 37 C.F.R. § 1.17(p); in addition:

I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Form, and indicate in the official file wrapper of this patent application that the document has been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: April 19, 2007

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Examiner Name	KWON, Brian Yong S.
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*If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.*